IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

C.R.No.5886 of 2007
Date of Decision : 15.11.2007

Smt.Dhanpati and others .....Petitioners

versus

Anand Kumar and another .....Respondents

CORAM : HON'BLE MR.JUSTICE HEMANT GUPTA

Present : Mr.R.K.Dahiya, Advocate for the petitioners

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JUDGMENT

HEMANT GUPTA, J.

The challenge in the present revision petition is to the order passed by the learned Additional Civil Judge (Senior Division), Sonepat, dated 14.9.2007 whereby the application filed by the respondents for getting impleaded as legal representatives of the deceased Lakhi, was allowed.

The challenge to the said order in the present revision petition is to the effect that the legal representatives of the deceased have been impleaded on the basis of the Will which is a fabricated and fictitious document and, therefore, without examining the question of illegality of the Will, the respondents cannot be permitted to represent the estate of the deceased.

I do not find any merit in the said argument. The question of validity of the Will or that it is a fabricated or fictitious document, is not required to be examined in the present suit. The legal representatives are impleaded to continue with the lis initiated by the deceased-plaintiff. Inter se dispute regarding estate of the deceased-plaintiff cannot be made subject

matter of the present dispute as such disputes are required to be decided in appropriate proceedings. Any decree passed in favour of the plaintiff in the present suit will enure for the benefit of the legal heirs of the deceased.

Therefore, I do not find any illegality or irregularity in the order passed by the learned trial Court which may warrant interference of this Court in exercise of its revisional jurisdiction under Article 227 of the Constitution of India.

The present petition is dismissed in limine.

15-11-2007 **(HEMANT GUPTA)**
*mohinder **JUDGE**